

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

T.U. PARKS CONSTRUCTION CO.,)	
)	
Plaintiff/Counterclaim Defendant,)	Case No.: 4:11-cv-00027
)	
v.)	<u>ORDER AND FINAL JUDGMENT</u>
)	
AMERESCO, INC.,)	By: Hon. Jackson L. Kiser
)	Senior United States District Judge
Defendant/Counterclaim Plaintiff.)	
)	
)	

This matter was originally before the Court on Plaintiff's Motion to Confirm Arbitration Award and for Entry of Final Judgment [ECF No. 78] and Defendant's Motion to Vacate Arbitration Award [ECF No. 83] and Motion to Dismiss With Prejudice [ECF No. 79]. The matter has been briefed and set for a hearing. On September 5, 2012, however, counsel for Ameresco, Inc., moved to withdraw its Opposition to Plaintiff's Motion to Confirm Arbitration Award, its Motion to Vacate Arbitration Award, and its Motion to Dismiss With Prejudice [See ECF No. 87]. For good cause shown, I hereby **GRANT** Ameresco's Motion to Withdraw its filings in opposition to Plaintiff's Motion to Confirm the Arbitration Award. Because all opposition to Plaintiff's Motion has been withdrawn, there is no objection to confirming the arbitration award. Therefore, I hereby **GRANT** Plaintiff's Motion to Confirm the Arbitration Award. It is **ORDERED** that T.U. Parks Construction Co. recover from Ameresco, Inc., the amount of **\$1,371,739.32**, which includes interest through July 18, 2012, along with interest at the daily rate of **\$118.75 per day** from July 18, 2012, until T.U. Parks Construction Co. receives payment in full, for all of which execution may be necessary. All other pending motions are **DISMISSED AS MOOT**.

The Clerk is directed to send a copy of this Order and Final Judgment to all counsel of record, to docket this judgment, and to remove this case from the active docket of the Court.

Entered this 6th day of September, 2012.

s/Jackson L. Kiser

SENIOR UNITED STATES DISTRICT JUDGE